



Phillip Kim, Esq.
pkim@rosenlegal.com

November 14, 2017

VIA ECF

Honorable Ronnie Abrams
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Global Brokerage, Inc. f/k/a FXCM Inc. Securities Litigation*
Master File No. 1:17-cv-00916-RA

Your Honor:

We represent Lead Plaintiffs 683 Capital Partners, LP and Shipco Transport, Inc. in the above-referenced action. We write regarding Defendants' recently-filed reply (ECF No. 94) in further support of their pending motion to dismiss the amended complaint (ECF No. 88). In their reply brief, Defendants again improperly submitted numerous extraneous documents in support of their motion, after doing the same in their moving papers. In Plaintiffs' opposition (ECF No. 92), Plaintiffs responded to the extraneous documents submitted with Defendants' moving papers, requesting that the Court strike or ignore the documents.

Plaintiffs respectfully request leave to file a concise sur-reply to address the new extraneous documents submitted with Defendants' reply. "It is beyond dispute that the decision to permit a litigant to submit a surreply is a matter left to the court's discretion" *Endo Pharmaceuticals Inc. v. Amneal Pharmaceuticals, LLC*, No. 12 Civ. 8115 (TPG), 2016 WL 1732751, at *9 (S.D.N.Y. Apr. 29, 2016).

A copy of Plaintiffs' sur-reply is attached here for the Court's review. In the sur-reply, Plaintiffs will argue that (1) the Court should strike or disregard Defendants' new documents; (2) the Court should not take judicial notice of the documents, but if it does, it should do so only to establish the existence of the documents and the fact of their contents; and (3) if the Court

considers the documents, it must convert Defendants' motion to dismiss into a motion for summary judgment and open discovery.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Phillip Kim

Phillip Kim, Esq.

cc: All counsel of record by ECF

Encl.